

11-12-04

2143
[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas H. Hampton Examiner: Mitra Kianersi
Serial No.: 09/812,304 Group Art Unit: 2143
Filed: March 19, 2001 Docket: MS303499.01/60001.352US01
Confirmation No.: 2247 Notice of Allow. Date:
Title: METHOD AND SYSTEM TO DETERMINE THE GEOGRAPHIC LOCATION OF A NETWORK USER

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV199952926US
Date of Deposit: November 10, 2004

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By: *Mary C. Motter*
Name: Mary C. Motter

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

27488

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
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Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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By: *[Signature]*
Name: John R. Wahl
Reg. No.: 33,044
JRWahl/mcn

S/N 09/812,304

PATENT

Confirmation No.2247

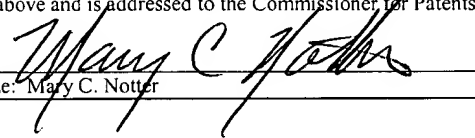
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By: 
Name: Mary C. Notter

RESPONSE

MS AMENDMENT

Commission for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This response is directed to the first Office Action mailed on August 10, 2004 setting a three month shortened statutory period for response expiring on November 10, 2004. Claims 1-21 are pending in the application and stand rejected. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-21 stand rejected as anticipated under 35 USC 102(e) by Anderson et al publication 2004/0078490. It is respectfully submitted that this rejection is fundamentally misapplied and should be withdrawn. The examiner states, in rejecting claims 1, 6, 9, 12, 14 and 18, the following cut-and-paste copy of Anderson et al, paragraph 0046:

(most network address (e.g., IP addresses) are associated with a particular geographic location. This is because routers that receive packets for a particular set of machines are fixed in location and have a fixed set of network addresses for which they receive packets. The machines that routers receive packets for tend to be geographically

proximal to the routers. Roaming Internet-Ready devices are rare exceptions. For certain contexts, it is important to know the location of a particular network address. **Mapping a particular network address to a geographic location may be termed "geolocation"**. An exemplary system and methodology by which geographic locations can be derived for a specific network addresses, and for address blocks, are described below. Various methods of obtaining geographic information, combining such geographic information, and inferring a "block" to which a network address corresponds and which shares the same geographic information are described,[0046]). (Emphasis added)

Applicants' invention is a method of determining a geographical location of a network user from **other** mapping requests and **the** network addresses identified with those other mapping requests. This invention differs fundamentally from the methodology and system disclosed in Anderson et al. In Anderson et al, the methodology involves accessing a plethora of identification sources such as "whois", etc. represented by data collection sources and correlating IP addresses with their known geographical locations in these databases, and then storing this information in a geolocation master database. This database or portions of the database are then made available to subscriber customers to utilize to determine the geographical location of a particular IP address that may have accessed the customer's website, for example. The Anderson et al system does not derive the address from other mapping requests, as does Applicant's claimed invention.

Part of the misapplication here lies in the examiner's interpretation of word "mapping". In Applicant's invention, the term "mapping request" is literally a request for a map, i.e. a query for directions between two geographical points or for particular geographical location information by an end user accessing a mapping website. For example, a typical mapping request is, for example, a user click on a map of Minnesota that, in essence, requests "show me a map of St. Cloud, MN, or, show me a route map from Kansas City, MO to Superior, CO. See Applicant's specification, page 7, which states:

In one embodiment, the analyzer software delimits the entire world, or a portion thereof, into defined geographic regions and populates each of the regions with network addresses such as Internet Protocol (IP) addresses based on mapping requests issued from the IP address. That is, for each mapping request falling in a defined geographic region, the network address of the network user issuing the mapping request is associated with the particular geographic region in which the mapping request falls.

In Anderson et al, "mapping" involves an entirely different functionality. In Anderson et al, "mapping" means the act of "correlating". As stated in the above quoted paragraph, "Mapping a particular network address to a geographic location may be termed "geolocation". Thus mapping means the finding of the geolocation that correlates or corresponds to the IP address.

The mapping requests in Applicant's invention are NOT this kind of mapping. In fact, there is no disclosure in Anderson et al of a mapping request such as is clearly claimed in Applicant's independent claims. Accordingly, the rejection under 35 USC 102(e) should be withdrawn and the claims allowed.

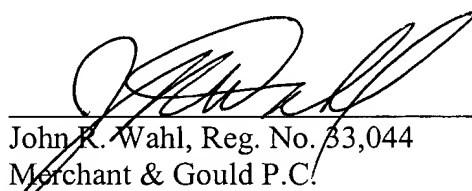
No claim amendments have been made. In view of the above remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this Application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

Date

11/10/04

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